

# INSIDE *ALEC*

December 2007

A Publication of the American Legislative Exchange Council

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for Utah kids**

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# ALEC's Regional Field Teams: Connecting with Members Face-to-Face

In an effort to more strongly connect legislators in the states with ALEC services, public-policy products, and membership, the Regional Field Team (RFT) program was launched in 2006. This program, which is currently active in its first region, will eventually cover all 50 states with ALEC Field Managers living and working in their assignment areas.

The Central Region, headed by Todd Kruse, Senior Director of Regional Field Teams, was the first to be established and covers eight states that make up the “spine” of our country— Minnesota, Iowa, Kansas, Oklahoma, Missouri, Arkansas, Texas, and Illinois, which was added this fall because of ALEC's 2008 Annual Meeting being held in Chicago.

The Regional Field Team has also represented ALEC at state membership events in other states including New Mexico, California, Oregon, and Washington. “The Regional Field Team work has been very helpful in developing a stronger local presence for ALEC in coordination with State Chairs,” said Washington State Sen. Val Stevens.

By working with ALEC State Chairs, the Regional Field Team helps to advance Jeffersonian principles and raise awareness of ALEC model legislation at the grassroots level in legislators' own backyards. “The Field Team is ALEC's personal lifeline of information, contacts, experience and assistance provided to us right where we need it – at our door,” said Missouri Rep. Jane Cunningham.

RFT managers focus on six key objectives:

- Identify key issue priorities in their regions.
- Recruit public- and private-sector members in their states.
- Establish local media contacts to raise ALEC's profile.
- Serve as the primary contact for state legislator members.
- Seek opportunities to educate members on key ALEC policy issues and core principles.
- Find and network with new allies to advance ALEC's issues.

“At times a bill is seen as the easy solution to a tough problem, yet that bill may create even more problems. Todd (Kruse) and his team cut through the puffery to reach the core issues with clear, conservative policy solutions,” said Bill Guidera of News Corp, an ALEC member based in Minnesota.

ALEC is currently developing a Southeast Regional Field Team with the experienced leadership of ALEC board member, Rep. Earl Ehrhart of Georgia, and there will eventually be a total of seven regions building upon the success of the Central Region.

ALEC members are encouraged to share their ideas as ALEC develops an expansion plan that is synchronized with our members' legislative priorities.

*Todd A. Kruse is ALEC's Senior Director of Regional Field Teams. He is based in Minnesota and can be reached at 612-423-5621 or [tkruse@alec.org](mailto:tkruse@alec.org).*

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## ALEC Calendar

December 5-8	States & Nation Policy Summit	Washington, D.C.
May 15-18, 2008	Spring Task Force Summit	Hot Springs, AR
July 30-Aug. 3, 2008	ALEC Annual Meeting	Chicago, IL

# Families for all:

## Doing Right by Children in Foster Care

By Thomas Atwood



Coming of age is a challenging task for any child. Overcoming the difficulties of living in foster care, and conquering the system itself, can be even harder. But that is exactly what many children have done and continue to do in order to have a family of their own.

Jeff Lawson spent 12 years in foster care, moving from group homes to foster homes, from mental health hospitals to lockdowns. During this time, Jeff was victimized sexually, put in long-term isolation, and denied a decent education. At one point, Jeff found a foster family who wanted to adopt him, but the state would not terminate the parental rights of his abusive, mentally ill mother. Jeff endured nearly 50 placements in all before aging out at 18.

As an organization dedicated to advocating for the best interests of children in foster care, National Council For Adoption (NCFA) was privileged to employ Jeff as an intern during 2006. Jeff is a positive-minded overcomer, but that's in spite of foster care, not because of it. Equally upsetting is the fact that Jeff's experiences are by no means unique.

In 2005, a record 24,407 children aged out of the system without a loving, permanent family. Behind this sobering statistic are thousands of tragic stories similar to Jeff's. Even among children in the system who achieve permanency, long waiting times, and multiple placements take a psychological and emotional toll. On average, the 513,000 children living in foster care in 2005 have spent over two years in continuous care. One half of children in care four years or longer have had five or more placements.

Statistics are grimmer for the 114,000 children in foster care waiting to be adopted. On average, these children have spent three years, six months in the system overall, and two years, three months in the system since termination of their parents' parental rights. Twenty-four

thousand have been in care five years or more. The average age for these children is 8.6 years – a disturbing number considering that children nine and older are more likely to age out of the system than be adopted.

American children are not languishing in or aging out of foster care because of a lack of parenting resources. There are 500 married couples in America for every child waiting to be adopted, and countless singles that could also provide loving families. There are also three places of worship for each child waiting to be adopted, and all of America's major faiths exhort their followers to care for children in need of families. Finally, studies suggest up to one-third of Americans have considered adopting a child at least somewhat seriously.

The inflexibility of child welfare financing is one factor behind the long wait times for those in the system and the record number of children aging out. Under Title IV-E of the Social Security Act, 61 percent of all federal financing allocated to states for child welfare purposes is spent on maintaining children in foster care, and for related administrative and training costs. This limits states' resources for other important services, such as prevention and rehabilitation. Furthermore, only children whose original families meet the outdated, 1996 income eligibility requirements for the now-defunct Aid to Families with Dependent Children (AFDC) program are Title IV-E eligible. As these eligibility requirements have never been adjusted for inflation, fewer children are Title IV-E eligible each year, which continues to increase states' share of the costs.

Title IV-B of the Social Security Act is the second largest source of federal child welfare funding after Title IV-E. Unlike Title IV-E, Title IV-B covers prevention and rehabilitation services and has no eligibility requirements. However, Title IV-B is a capped entitlement program, whereas Title IV-E is open-ended. Thus, Title IV-E represents a much larger pool of funding than Title IV-B—\$7.8 billion versus \$721 million in 2006. This asymmetric funding structure gives states a clear financial incentive to move children into foster care and keep them there.



The de facto emphasis on foster care maintenance, which the federal financing structure promotes, may help explain why, according to a recent NCFA study, states spend less than 1.3 percent of available federal funds on adoptive and foster parent recruitment and training services. In comparison, 22 percent of children in foster care are waiting to be adopted.

Solutions do exist to improve the child welfare system. This year, ALEC's Health and Human Services Task Force approved a model bill, *Resolution on Reform of Federal Foster Care Financing: Families for All*. This resolution calls on Congress to allow states the flexibility to use more of their federal financing for other effective child welfare services besides foster care maintenance; and to provide federal foster care funding for all children who are victims of neglect or abuse, regardless of income. States have proved, through Title IV-E waiver demonstration programs in Ohio, Indiana, North Carolina, and Oregon, that they know how to use greater flexibility to improve outcomes for children in foster care.

State laws to allow prospective caregivers to simultaneously pursue their licenses to foster and licenses to adopt could significantly reduce wait times, considering that 60 percent of children adopted out of foster care are adopted by their foster parents. Similarly, concurrent planning, whereby caseworkers investigate alternative permanency options (i.e. adoption or guardianship) while the child's parents try to rehabilitate themselves, would ensure that caseworkers do not have to start from zero upon termination of parental rights. States could set timetables for termination of parental rights, and establish performance measures for the courts to ensure compliance in this regard.

States could also consider granting docket priority to any hearing concerning a petition for adoption filed with the court, and streamlining the adoption process for parents who have either already adopted from the agency with which they are working or are seeking to adopt the sibling of an adopted child.

To reduce the numbers of children aging out, states could allocate a higher percentage of available federal funds toward parent recruitment and training. This would create more resource families, and reduce the high numbers of resource families who quit fostering each year out of frustration with the system. Laws exempting adopted children from paying tuition and fees for post-secondary education would remove a significant financial obstacle for prospective parents considering the adoption of older children.

Too often, caseworkers give up on finding families for children who are older or have special needs. Many such children have experiences similar to Tyler Bacon's, a former foster youth who serves on the National Foster Youth Advisory Board. When Mr. Bacon entered care, his caseworker told him, "you will never be adopted," on account of his age and family history. No child should ever be told this. In truth, there are no unadoptable children, only children who have not yet found their families.

State leaders should work to inspire urgency and hope for children in foster care throughout the child welfare system and society. We should never be satisfied with anything less than families for all.

*Thomas Atwood is the President and CEO of the National Council For Adoption.*





# Union Stops Choice for Utah Kids

By Matt Warner

Harmful bureaucracy recently trumped the freedom of choice for thousands of Utah's parents and children seeking a better education. On November 6, almost 40 percent of Utah's voting parents and taxpayers voiced their disapproval of the state's current public education system when they voted to accept the legislature-approved voucher program signed into law by Gov. Jon Huntsman, Jr. earlier this year. Unfortunately, it was not enough and the measure was defeated.

The program would have offered parents a choice among a wider variety of education providers in the state in an effort to better match individual students with educational needs; raise incentives for competition and innovation in education; and utilize education dollars more efficiently.

What is unfortunate for Utah kids, however, is that the National Education Association (NEA), the union for teachers, has taken a firm stance against these types of programs. Unions across the country joined NEA headquarters in funneling millions of dollars into Utah to stop the new program before implementation.

Union supporters, fearful of loosening bureaucratic control over the school assignment of kids, quickly gathered the requisite signatures to send the new law to popular referendum.

As the date for the referendum vote neared, Parents for Choice in Education—a local group in favor of the new program—mobilized to explain the new program to voters and combat the union-funded misinformation distributed through television, radio, and mail.

Utah's new program was designed to give all parents more choice by providing scholarships or vouchers to all public school parents and parents with low-incomes struggling to keep their children in private schools. The amount of the scholarship varied by on income with a maximum amount of \$3,000 supporting students from low-income families and a minimum amount of

\$500 available to families with higher incomes. The message of this program is clear: The state commitment to ensuring quality education extends to all citizens and concentrates the most help where help is most needed. The design is similar to ALEC's *Parental Choice Scholarship Program Act* (Universal eligibility, Means-tested amount).

With a final tally of 62 percent against and 38 percent in favor of the program after the November vote, Utah kids will have to wait a little longer for reform in education. But waiting carries consequences. According to ALEC's latest state-by-state rankings, Utah public schools slipped from 21st in the nation in 2006 to 27th this

year. The October release of the National Assessment of Educational Progress showed Utah eighth-graders are 29th among the states in reading and 30th in mathematics.

Utah kids deserve better, and union-funded campaigns against reform should be recognized for the true interests they serve.

*Matt Warner is Education Task Force Director for the American Legislative Exchange Council. He can be reached at [mwarner@alec.org](mailto:mwarner@alec.org).*



# Maryland Taxpayers: An Endangered Species?

By Jonathan Williams

Budget shortfalls are nothing new, and unfortunately neither is the solution with which the Maryland General Assembly has chosen—a massive tax hike. ALEC members in Annapolis have been disappointed to see their fellow legislators using the current budget shortfall of \$1.5 billion as evidence that taxes “need” to be increased.

Supporters of these tax hikes are simply unwilling to live within their means and are instead looking for ways to increase government-provided services. They are forgetting that tax changes are not instituted in a vacuum. Every time taxes are increased in Maryland, or any other state, it negatively impacts that state’s competitive position relative to states in the region and all throughout America. Maryland has already been losing business to lower tax jurisdictions, such as Delaware and Virginia.

If the governor wants to raise revenue, then a rational tax system that will attract business investment should be the first step. Growing the Maryland economy would also raise tax revenue as well as create jobs. Extracting heavier sums from the businesses that remain, on the other hand, will only give them the incentive to follow those who have already left.

The new tax package includes the following gems: raising the sales tax from 5 to 6 percent, and making general repairs on everything from cars to blenders subject to the sales tax; increasing the vehicle titling tax from 5 to 6 percent, raising the corporate income tax from 7 to 8.75 percent, doubling the cigarette tax from \$1 to \$2 a pack, a new personal income tax bracket that tops out at 5.75 rather than 5.5 percent, and the tourism killer, a 50 percent increase in the hotel tax.

Dramatically increasing the corporate income tax and expanding the sales tax base to include business services might be attractive to those who desire to soak “big business”; however, this neglects a very important

economic fact. As economists of all stripes agree, businesses don’t pay taxes, people do. Taxes on businesses get passed to individuals through higher prices for consumers or lower wages for employees. The proposal to increase taxes on businesses ultimately means that the people of Maryland will bear the burden.

Additionally, increasing the cigarette tax by \$1 per pack will only serve to increase the incentive for tax evasion and organized crime. Cigarette smuggling is already a serious problem in Maryland. The Washington Post reported in

June, 2004 that smugglers with ties to al Qaeda were funneling millions to terrorist groups from illicit cigarette sales. Smugglers can make a profit of \$40 per carton, or \$2 million per truck load, moving cigarettes from one state to another, and cigarette taxes have gone up since this article was written.

No state has ever taxed its way into prosperity. Unfortunately, with the proposal to increase sales, individual income, corporate income, cigarette, hotel and car taxes, the governor and some members of the legislature hope to be the exception to the rule.

States can have a great public education system and the best roads in the country, but if a state’s tax system hinders growth and job creation, Maryland’s highly

educated graduates are going to use the well-paved roads to drive to job opportunities in other states.

There is little doubt that the passage of the proposed tax increases would cement Maryland as a high-tax state in the region. Additionally, these tax increases will significantly damage the state’s ability to attract and retain both human and business capital in the competitive environment of the 21st century. Maryland can serve as an important example for ALEC members across the country.

*Jonathan Williams serves as Director of the Tax and Fiscal Policy Task Force at ALEC. He can be reached at [jwilliams@alec.org](mailto:jwilliams@alec.org).*



# Sued Green:

## Will The EPA Regulate Car Exhaust?

By Daniel Simmons

The Environmental Protection Agency (EPA) is taking its regulations on the road, as the department is poised to regulate greenhouse gas emissions from mobile sources, i.e. cars and trucks. Once the EPA promulgates this regulation they will eventually be forced to regulate carbon dioxide emissions economy-wide, and cause great economic harm to the country.

### How Did We Get Here?

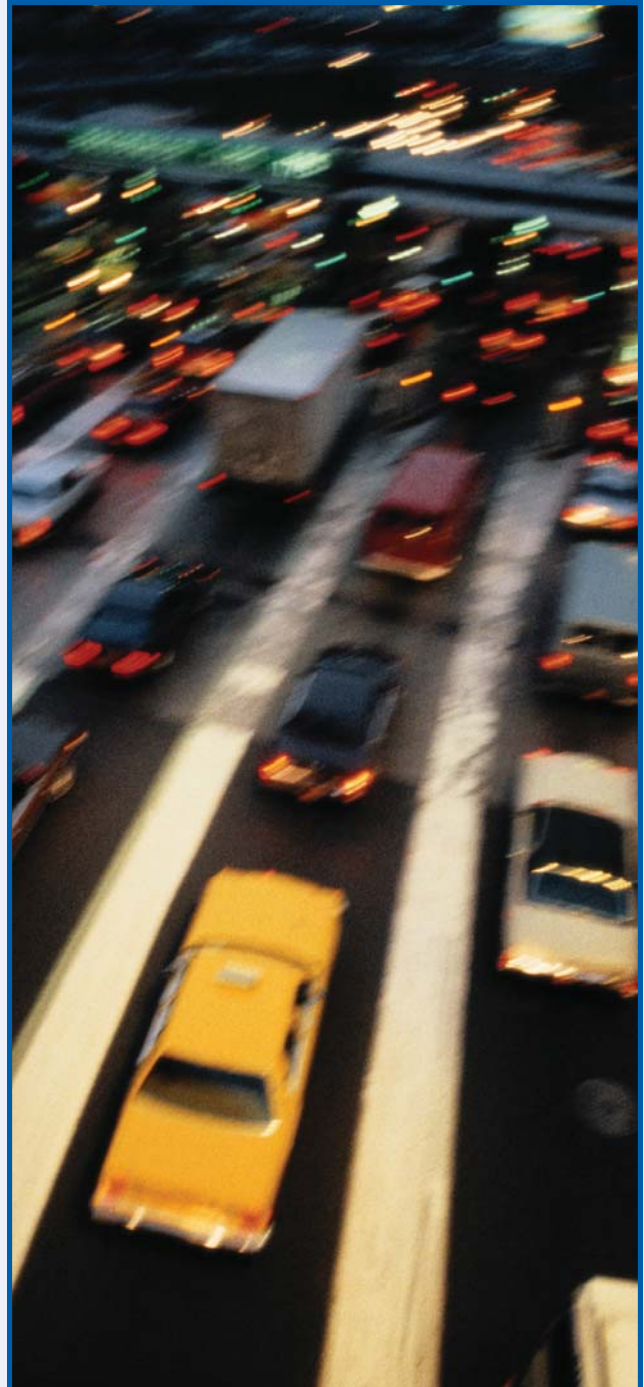
In 1999, during the Clinton Administration, environmental groups petitioned the EPA to regulate carbon dioxide under Section 202 of the Clean Air Act. The Clinton EPA agreed that the law provided it with the necessary regulatory authority to regulate greenhouse gases, but declined to do so. One reason was because Congress attached riders to appropriations bills forbidding EPA from spending any money to regulate greenhouse gases.

After President Bush took office and made it clear that he was not going to agree to binding cuts of greenhouse gases under the Kyoto Protocol, the environmentalists turned to lawsuits brought by state attorneys general.

The attorney general of Massachusetts and others petitioned the Bush EPA to regulate greenhouse gases under Section 202. The Bush EPA formally denied the petition arguing that EPA didn't have the necessary authority, and even if it did, the Clean Air Act is ill-suited to handle a global issue like climate change. After EPA formally denied the petition, these attorneys general took the EPA to court to force its hand.

### Supreme Court's Decision

The case made its way through federal court and wound up before the Supreme Court in 2006. The Supreme Court issued its in *Massachusetts v. EPA*<sup>1</sup> decision on April 2, 2007. The decision had three main holdings:





1. States have standing to sue the EPA based on alleged injuries brought about by climate change.
2. The EPA has the authority to regulate carbon dioxide (and other greenhouse gases) as a “pollutant” under Section 202 of the Clean Air Act. Section 202 regulates emissions of new vehicles.
3. The EPA failed to justify its decision not to already regulate greenhouse gases.

The Supreme Court first had to find that Massachusetts had standing to bring the case.<sup>2</sup> To have standing, the plaintiff has to be able to show that he has suffered a “concrete and particularized” injury and this injury is one that a court could redress. In the area of climate change, this should have been at least a little challenging for the Supreme Court, but they didn’t find it so at all. The list of the alleged harms the Supreme Court cited includes:

- 1998 was the hottest year on record<sup>3</sup>
- Temperatures are rising due to human activities<sup>4</sup>
- Glaciers are retreating<sup>5</sup>
- Reduction in the extent of snow cover<sup>6</sup>
- Earlier spring melting<sup>7</sup>
- Accelerated sea level rise<sup>8</sup>
- Less winter snowpack<sup>9</sup>
- Increased diseases<sup>10</sup>
- Stronger hurricanes<sup>11</sup>

The majority did not seem to care which precedents it had to rewrite to reach the conclusion that carbon dioxide is a pollutant.<sup>12</sup> This was necessary because if something is a pollutant then Section 202 of the Clean Air Act *requires* the EPA to regulate “any air pollutant...which may reasonably be anticipated to endanger public health or welfare.”<sup>13</sup> The majority decided that an “air pollutant” unambiguously means any “airborne compound of whatever stripe.”<sup>14</sup>

However, the Clean Air Act defines a pollutant as, “any air pollution agent or combination of such agents, including any physical, chemical...substance or matter which is emitted into or otherwise enters the ambient air.”<sup>15</sup> For something to be labeled a pollutant, it must be an “air pollution agent,” and not simply something which happens to be in the air.

Carbon dioxide exists naturally in the air. It is inert,

colorless, odorless, and it isn’t toxic to humans at 20 times ambient levels. Justice Scalia in his dissent explained how flawed the majority’s misconstruction of this term was. He wrote from the majority’s opinion “it follows that *everything airborne*, from Frisbees to flatulence, qualifies as an ‘air pollutant.’ This reading of the statute defies common sense.”<sup>16</sup>

### EPA Can Regulate CO2, Now What?

Under the Clean Air Act, if pollution causes harm, EPA has to regulate it. As the Supreme Court states:

*Under the clear terms of the Clean Air Act, EPA can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do.*<sup>17</sup>

The real question isn’t whether greenhouse gases contribute to climate change, but whether human-caused greenhouse gas emissions lead to harms—such as the harms the Supreme Court describes earlier.

For example, if sea levels were rising precipitously, as the Supreme Court states, it could harm the Massachusetts coast line with increased flooding. If human activities were to blame we should be seeing an increase in the rate of sea level rise. The latest science, however, shows a decrease in the rate of sea level rise, not an increase.<sup>18</sup>

The Supreme Court also noted another possible harm—increased hurricane strength. The majority stated that “rising ocean temperatures may contribute to the ferocity of hurricanes” and that a 2004 report warning of increased hurricane strength “eerily prescient” because it was written a year before Hurricane Katrina. But actual data don’t support the Supreme Court’s claim. While carbon dioxide levels have continued to grow after 2005, both 2006 and 2007 have been below normal for hurricane activity, and 2007 has been one of the calmest hurricane seasons on record.<sup>19</sup>

The harms the Supreme Court cited are not supported by the latest science, but the EPA is still somewhat boxed in. To not regulate greenhouse gases, the EPA would have to show that “scientific uncertainty is so profound that it precludes EPA from making a



reasoned judgment as to whether greenhouse gases contribute to global warming.”<sup>20</sup> This is not an easy task because the EPA has stated in the past that climate change is a problem, but a problem that they are ill-equipped to deal with.

## Does it Matter for EPA to Regulate Greenhouse Gases from Motor Vehicles?

The problem with the regulation of greenhouse gases from mobile sources is that the only way to limit greenhouse gas emission from cars is through fuel efficiency regulation. But Congress explicitly gave the authority to regulate fuel efficiency standards to the National Highway Traffic Safety Administration (NHTSA), not the EPA.

The impact of this is not limited to cars however. If the EPA makes an “endangerment finding” under Clean Air Act Section 202 and finds that carbon dioxide and greenhouse gases “endanger public health and welfare” other sections of the Clean Air Act come into play.

Section 111 of the Clean Air Act<sup>21</sup> regulates stationary sources if the emissions contribute “significantly” to air pollution. In other words, significant sources of emissions, such as power plants, would be regulated. The language in Section 111 is very similar to the language in 202<sup>22</sup>—if a pollutant fits the description in Section 202, it will almost surely fit the description in Section 111.

Section 108 of the Clean Air Act requires the administrator to create a list of air pollutants that “may reasonably be anticipated to endanger public health or welfare.”<sup>23</sup> Obviously if CO<sub>2</sub> meets the requirements of Section 202, it will be forced to be regulated under Section 108.

Once a pollutant is listed under Section 109, the

EPA must establish National Ambient Air Quality Standards (NAAQS) for the pollutant.<sup>24</sup> And Section 110 requires states to develop State Implementation Plans for metropolitan areas to comply with the standard.<sup>25</sup>

This is where defining carbon dioxide as a pollutant really comes off the rails. Greenhouse gases are well mixed in the atmosphere. The ambient levels of greenhouse gases in Des Moines, Iowa are more influenced by the emissions from China than they are from the emissions of Des Moines. Yet Des Moines would be responsible to somehow reduce ambient greenhouse gas levels. In other words, states through their State Implementation Plans would be required to reduce worldwide greenhouse gas levels in the atmosphere to comply with the requirements of the Clean Air Act. This will be impossible for Des Moines, or any other area because China’s greenhouse gas emissions are increasing at a very rapid rate and there is no sign of stopping.

This is the logical endpoint of the EPA’s taking the first step and regulating greenhouse gas emissions from mobile sources.

Obviously when the EPA creates National Ambient Air Quality Standards for greenhouse gases, Congress will have to step in to rewrite the law into something workable.

## The Path Forward

As noted above, many of the harms the Supreme Court alleged are occasioned by human-caused emissions of greenhouse gases are either not happening, or there is little to no evidence that humans are causing them—such as in the case of sea level rise.

Environmentalists would love the propaganda victory they would achieve if the Bush Administration were



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the first to find that carbon dioxide does indeed endanger health and welfare. This would give cover for future White House administrations to tighten up the standard to unworkable levels.

It would also be a terrible outcome because there is no logical endpoint. If greenhouse gases harm health and welfare, then we must halt the emissions of greenhouse gases in the United States. But even this will not stop greenhouse gas concentrations from increasing because the majority of greenhouse gas emissions in the future will come from the developing world.

To combat the problems caused by the EPA's regulating greenhouse gas emissions from mobile sources, ALEC is working on a resolution in opposition to this expansion, which the Natural Resources Task Force is considering at the States and Nation Policy Summit.

If the EPA starts down this path, Congress will be forced to step in to make some sense of the Supreme Court's mangling of the Clean Air Act.

*Daniel Simmons is Director of the Natural Resources Task Force at ALEC. He can be reached at [dsimmons@alec.org](mailto:dsimmons@alec.org).*

- 1 Massachusetts v. EPA, 127 S.Ct. 1438 (2007).
- 2 See e.g., Jonathan H. Adler, *Warming Up to Climate Change Litigation*, 93 Va. L. Rev. In Brief 61 (2007), <http://www.virginialawreview.org/inbrief/2007/05/21/adler.pdf>.
- 3 Mass. v. EPA, 127 S.Ct. at 1449.
- 4 See *id.* at 1451.
- 5 *Id.* at 1455.
- 6 *Id.*
- 7 *Id.*
- 8 *Id.*
- 9 *Id.* at 1456.
- 10 *Id.*
- 11 *Id.*
- 12 For a thoughtful explication of how the Supreme Court ran roughshod over standing law see Jonathan H. Adler, *Warming Up to Climate Change Litigation*, 93 Va. L. Rev. In Brief 61 (2007), <http://www.virginialawreview.org/inbrief/2007/05/21/adler.pdf>.
- 13 42 U.S.C. § 7521(a)(1).
- 14 Mass. v. EPA, 127 S.Ct. at 1460.
- 15 42 U.S.C. § 7602(g).
- 16 Mass. v. EPA, 127 S.Ct. at 1476.
- 17 *Id.* at 1462.
- 18 See, e.g. Simon J. Holgate, *On the Decadal Rates of Sea Level Change During the Twentieth Century*, 34 Geophysical Research Letters 1602 (Jan. 2007). One page summary is available at [http://meteo.lcd.lu/globalwarming/Holgate/sealevel\\_change\\_poster\\_holgate.pdf](http://meteo.lcd.lu/globalwarming/Holgate/sealevel_change_poster_holgate.pdf).
- 19 See, e.g. Center for Ocean-Atmospheric Prediction Studies, <http://www.coaps.fsu.edu/~maue/tropical/> Accessed November 8, 2007.
- 20 Mass. v. EPA, 127 S.Ct. at 1463.
- 21 42 U.S.C. 7411.
- 22 See 42 U.S.C. 7411(b)(1)(A) (requiring the EPA Administrator to set performance standards for stationary sources, "if in his judgment it causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.")
- 23 42 U.S.C. 7408(A).
- 24 See 42 U.S.C. 7409.
- 25 See 42 U.S.C. 7410.



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# ALEC International Update

## ALEC - An International Reputation European Dialogue in Rome

By Catherine Bray

Dialogue has long been the key to ALEC's success. Each of our eight national Task Forces ensures open and vigorous debate among and between our public and private sector members to produce informed and sensible suggestions to the issues being faced in American state legislatures. The ALEC International Relations Program adds a further dimension to this dialogue and promotes the ALEC model abroad.

With a strong focus on the EU – as this is where Jeffersonian principles are most often threatened legislatively – the ALEC working group on International Relations is building an International free-market caucus of legislators, business, and policy organizations who support a global climate for innovation; a climate of free-trade, limited government, and individual liberty.

As an important trading block and one which shares a billion-dollar-a-day trading relationship with the U.S., it is important to remain aware of EU issues and participate in the debate. As part of this process, an annual policy summit is held in Europe, and this year discussions took place in Italy, one of the EU's founding nations.

During the course of the summit ALEC members met with the U.S. Ambassador to the Holy See, Members of the Italian Senate and House of Deputies, European think tanks, and European policy experts. On the agenda was the transatlantic economy and efforts to overcome trade barriers and enhance economic cooperation.

At the Italian Parliament, the U.S. Embassy and the American John Cabot University Campus discussions focused on how better efforts can be made to work free-market principles into legislation that help rather than hinder free trade and innovation.

In the nine states that were represented at the summit by



ALEC members gathered in Rome to meet with local legislators and experts as part of the International Relations Program

our public sector members almost half a million people are employed as a direct result of European investment. Together those states sold \$24.9 billion worth of goods to EU member states in 2005, and, in six of the nine states, well over 50 percent of total inward investment came from Europe last year.

These economic links should not be taken for granted. The transatlantic market may lead globalization efforts today, but without further commitment from both the U.S. and EU to topple trade barriers and further mutual recognition, it will be the new economies of Asia that set tomorrow's global standards.

Representing ALEC on the International stage, the cultural, economic and political relationships legislators cultivate during these dialogues can add enormous value to their work as legislative leaders in their own state. Each year the ALEC International Relations summit demonstrates that there are legislators and organizations in Europe that share the Jeffersonian principles – we must seek them out and support their efforts!

*Catherine Bray is ALEC's Director of International Relations.*

# The Atlantic Bridge Project: Building ALEC's Membership Overseas



The staff of ALEC now spans the globe with the recent addition of Catherine Bray as the new Director of International Relations.

For the past seven years, Catherine worked in the European Parliament and has served as Chief of Staff to Mr. Richard Ashworth, MEP (Member of the European Parliament), in Brussels.

As Chief of Staff, Catherine coordinated Mr. Ashworth's activities as Chief Whip with the Conservative Delegation of MEPs, and as Conservative Spokesman on the EU Budget, on Industry, and as a member of the EU Delegation on Romania. Catherine holds a Bachelor of Science in Politics from the University of Leicester in the UK and is a former local government candidate.

Catherine will manage a new ALEC initiative launched this year called the Atlantic Bridge Project. As the latest component of ALEC's International Relations Program, this project aims to foster positive relationships between conservatives on both sides of the Atlantic, so they may



further the ideals exemplified by Ronald Reagan and Margaret Thatcher.

ALEC is working in conjunction with the Atlantic Bridge Group, a nonprofit organization chaired by the British Conservative Shadow Minister for Defense, Liam Fox MP. The organization is supported by Lady Thatcher and ALEC Alumni Congressman John Campbell, who serves on the Atlantic Bridge Advisory Board.

Over the coming year, there will be a series of events aimed at conservative leaders from the field of politics, media, business, and academia – exposing them to innovative conservative thinking from the U.S. and Great Britain and helping them forge new transatlantic relationships.

*Catherine may be reached at ALEC's Washington, D.C. office at 202-466-3800, or by e-mail at [cbray@alec.org](mailto:cbray@alec.org).*

## 3rd Annual ALEC South Dakota Pheasant Hunt

On November 8th and 9th South Dakota State Chair Rep. Hal Wick held his 3rd Annual ALEC Pheasant Hunt fund raiser for the ALEC South Dakota State Scholarship Fund. Over 20 South Dakota state legislators and local and national private sector representatives hunted and dined together for two fabulous days of great weather and great shooting. Rep. Wick said "The hunt is an opportunity for those of us in SD to share a wildlife resource with others. It also gives the participants an opportunity to see the open spaces and beauty of our state." This year Rep. Tom Hackl brought the group to his district for hunting on local family farms, and R&R Pheasant Hunting in Seneca, SD, a 15,000 acre farm boasting 4,000 acres dedicated to pheasant habitat. Owner Sal Roseland hosted and guided part of the group on the first day for a first class day of hunting. The event also included a tour of the St. Anthony of Padua Catholic Church in Hoven,

SD known as the "Cathedral of the Prairie." This event was just one of the innovative events Rep. Wick has used to build South Dakota into one of ALEC's strongest states.





## Task Force News:

### 2007 States and Nation Policy Summit Report

#### Civil Justice

ALEC welcomes Amy KJose as the new Director of the Civil Justice Task Force. Amy was previously the Legislative Assistant for this Task Force. The Civil Justice Task Force will be considering a Resolution Opposing Anti-Indemnity and Anti-Additional Insured Legislation. This resolution considers legislation that has emerged in a few states in recent sessions to limit the freedom of contract by prohibiting parties from contracting with each other and deciding how to allocate liability among them in the event of a lawsuit. John Sullivan from the Civil Justice Association of California will be presenting on the problems with class-action lawsuits in California even after the passage of the Federal Class Action Fairness Act. Phil Goldberg of Shook, Hardy & Bacon will be presenting on the laws of public nuisance, and Illinois State Sen. Kirk Dillard will be discussing Illinois as an example of attempts by the personal injury bar to unreasonably expand liability rules.

#### Commerce, Insurance, and Economic Development:

The CIED Task Force will consider model legislation to limit the number of new business regulations and professional licensing requirements passed by state legislatures. The Task Force will also consider a resolution which requests states to reexamine their financial and credit laws to ensure that all consumers have access to banking and lending services.

#### Criminal Justice and Homeland Security:

The Criminal Justice and Homeland Security Task Force will discuss the rights of gun owners and the appropriate procedure to seize guns from citizens with mental illnesses, how to protect minors from having their personal information or image posted on the Internet, and illegal immigration.

#### Education:

The Education Task Force will consider a wide variety of issues including efforts to ensure that institutions of higher education remain accountable to the taxpayers and provide reports regarding student achievement, and institutional efficiency. Also on the agenda are efforts to expand school choice to the children of veterans, expanding alternative teacher certification, the over-identification of special education students, the transfer of earned postsecondary student credits, student loans, and improving the fairness and transparency of teacher unions.

## New Transportation Subcommittee

By Nevada State Sen. Dennis Nolan



With its conception at the 2007 Annual Meeting in Philadelphia, the Transportation Subcommittee is now moving at full speed to bypass big-government "solutions" to our states' transportation woes.

Our first meeting was well attended with many state legislators discussing particular transportation dilemmas facing their states. Geoffrey Segal, formally of the Reason Foundation, gave a presentation on the use of Public-Private Partnerships to build new roads without raising taxes.

As the chairman of this new subcommittee, I am excited about ALEC's renewed commitment to transportation. As many of you will recall, ALEC's Trade and Transportation Task Force merged with the Commerce, Insurance, and Economic Development (CIED) Task Force in 2005.

The merger of these two Task Forces was difficult for me because transportation is one of my primary interests. After 2005, I attended transportation meetings held by other state policy groups, and, for the most part, I left disappointed. Most of the policy meetings I attended were dominated by liberals whose solution to every transportation problem was to raise taxes. After attending those meetings, I felt that ALEC's voice was needed more than ever to provide innovative and free-market-orientated solutions to our transportation problems.

In early 2007, I contacted ALEC and expressed my interest in leading a transportation subcommittee. With the help of ALEC's staff and the CIED Task Force Chairs, we have been able to put together a strong new subcommittee.

For the upcoming State and Nation Policy Summit, December 5-8 in Washington, D.C., we will have some excellent transportation speakers including the former Majority Leader of the U.S. House of Representatives, Dick Gephardt, Deputy Assistant Secretary of the Department of Transportation, Robert DeHaan, Senior Fellow at the Heartland Institute, Wendell Cox, Vice President of Government Relations for the Macquarie Group, Geoffrey Segal, and Jim Whitty of the Oregon Department of Transportation. I encourage everyone to visit our meeting on December 6 at 10:00 a.m.

I am excited about this new subcommittee, and I look forward to finding and articulating conservative, free-market solutions to our nation's transportation problems.

## Health and Human Services:

The Health and Human Services Task Force will hear special presentations on a new worldwide hypertension study; the proliferation of Minute Clinics, and the implementation of Wal-Mart's new \$4 generics program and employee health benefits plan. The HHS Task Force is also slated to consider a number of model bills, including legislation on wellness, hypertension, health care sharing ministries, medical board sunshine, SCHIP crowd-out, and more.

## Natural Resources:

The Natural Resources Task Force will be discussing the EPA's possible regulation of greenhouse gases from mobile sources. Earlier this year, in the case of *Massachusetts v. EPA*, the Supreme Court, in a 5-4 decision, found that Massachusetts had been harmed by global warming, that the EPA has the authority to regulate greenhouse gases under Section 202 of the Clean Air Act, and that the EPA has failed to justify its decision to not already regulate greenhouse gases. The Supreme Court did not, however, force the EPA to regulate greenhouse gases.

## Tax and Fiscal Policy:

The Tax and Fiscal Policy Task Force will consider several pieces of model language and hear from several national experts in tax and fiscal policy. The Task Force will be unveiling ALEC's exciting new book: *Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index*, and co-author Steve Moore of the *Wall Street Journal* will discuss the book's findings. Ike Brannon, a Senior Tax Economist at the U.S. Department of Treasury, will discuss current issues in federal tax policy and the importance of permanently extending President Bush's tax cuts. In addition, the Task Force will consider model language to clarify ALEC's position on principles of good tax policy at the local level and consider language to end discriminatory local taxes.

## Telecommunications and Information Technology:

Seth Cooper has recently joined the ALEC staff as the new Director of the Telecommunications and Information Technology Task Force. Seth is moving from Washington state where he worked as Staff Counsel to the Senate Republican Caucus. Seth is also a former judicial law clerk for the Washington State Supreme Court.

## ALEC's 2007 School Choice Academy

By Justin Tuskan,  
Legislative Assistant to the Education Task Force

An enthusiastic group of ALEC's public- and private-sector members gathered in Atlanta, Georgia, September 14-15, to discuss our nation's ailing education system and the potential to make essential improvements through state-based school choice programs. By offering students the ability to attend the school of their choice through vouchers, tax credits and the like, children will have the opportunity to receive a higher-quality education, while the competition that choice spurs will provide an incentive for failing schools to perform better.

The attendees of this year's academy were privileged to hear a wide range of speakers discussing the necessity of school choice programs, and the intricacies of implementing such initiatives at the state level. Highlights included an inspiring keynote address by Pennsylvania State Sen. Anthony Williams, who made the case that school choice is critical to our nation's global competitiveness. In addition, school choice subcommittee chair Rep. David Casas recounted the successful legislative battle he helped lead this year for Georgia's new special needs scholarship program.



Georgia state representative and public school teacher David Casas addresses participants at ALEC's 2007 School Choice Academy



# Health Care in America

By Kelly Lee

Deductibles, HMOs, health service providers – the list goes on. Understanding the nomenclature of the health care market, and health care itself, is a confusing topic to many Americans. *Healthy Competition*, a new publication by Cato Institute health experts Michael F. Cannon and Michael D. Tanner, provides an excellent starting point for a tutorial in American health care.

The authors reason that current health care system costs in America are so expensive because of increases in the research and development of medical technology, as well as gains in life expectancy for previously untreatable diseases. However, not only are costs increasing but the bureaucracy is as well.

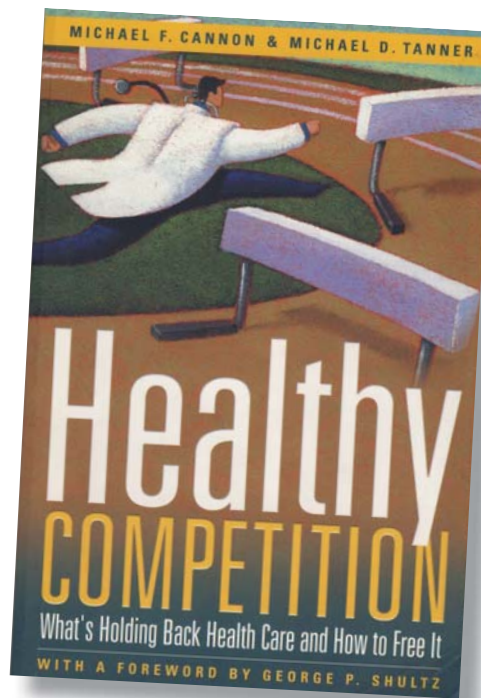
Cannon and Tanner counter the popular proposed methods of reforming health care by outlining the costs and inefficiencies of bureaucratic, universal health coverage systems in other countries. Managed care adds an extra level of bureaucracy to an already heavily administered market, say the authors.

The authors relate our current health care crises to historical moves made by government, suggesting that governmental micromanagement has led to an unnecessary and costly reliance on excessive coverage.

Many cases made by Cannon and Tanner are significant in their relationships to ALEC and our members' moves to "free up" the health care industry.

The authors advise that tax exemptions for employer-provided health insurance ought to be repealed in favor of Health Savings Accounts (HSA), as the current systems restrict freedom to choose individually suitable health care plans. ALEC has modeled legislation that would help implement this arrangement on the state level through the *Health Savings Accounts Act*.

The writers also argue that development and expansion of health care facilities is wrongly obstructed. ALEC has crafted legislation allowing for less restrictions on hospitals with fewer resources in the *Rural Hospital Deregulation Act*. Charges of a false shortage of transplantable organs are answered in ALEC's *Organ Donation Tax Deduction Act*.



Unwarranted delays in the approval of new treatments would be countermanded by our *Resolution Calling for the Reform of the Food and Drug Administration*.

*Healthy Competition* disapproves of the monetary levels to which medical malpractice suits often rise and supports a system of reform in which patients could choose the level of malpractice protection they feel is necessary. Here again, ALEC has proposed a great deal of legislation on medical liability reform, including awarding attorney's fees to the prevailing party to deter baseless claims (*The Award of Attorneys' Fees to Prevailing Party Act*), allowing defendants to make periodic payments on judgments rather than requiring ruinous lump sum payments (*Periodic Payment of Judgments Act*), placing limits on non-economic damage awards (*Non-economic Damage Awards Act*) and reducing the statute of limitations (*Statute of Limitation Reduction Act*).

*Healthy Competition* provides a solid, thorough line of reasoning that supports the development of a free-market-based health care system.

Kelly Lee is a research assistant on the HHS Task Force and a student at the American University.

The second edition of *Healthy Competition* has recently been published. For more information visit the Cato Institute at [www.cato.org](http://www.cato.org).

**All ALEC Model Legislation is available to members online at [www.alec.org](http://www.alec.org)**

## Member News



Mississippi State Senator Charlie Ross

### Charlie Ross to Leave Senate

ALEC Civil Justice Task Force Chairman, Mississippi State Sen. Charlie Ross, is finishing his last term in the senate, where he serves as Chairman of the Judiciary A Committee. He was the primary author of the comprehensive tort reform legislation that passed in Mississippi in 2004. He also serves

on the Constitution, Elections, Environmental Protection, Executive Contingent Fund, Finance, Insurance, and the Veteran and Military Affairs committees. Sen. Ross graduated from the U.S. Air Force Academy and received his J.D. from Harvard Law School. At ALEC's Annual Meeting in Philadelphia in July, Sen. Ross was awarded the ALEC Legislator of the Year Award.



### NEA Attacks Alternative Teacher Certification

Speaking before a university audience, Reg Weaver, president of the National Education Association, attacked alternative teacher certification efforts, like

those promoted by ALEC member the American Board for Certification of Teacher Excellence, claiming that "There's a group out there that thinks all you need to be a teacher is a bachelor's degree, a background check, and to pass a computerized test, but you know they're not going to send them to teach where the wealthy folks are. They're going to send them to teach where Ray-Ray, Little Willie, Little Man, Too-sweet, and Chiquita are in the classroom."

### Colorado State Chairman Retiring

Colorado State Sen. Ron May, ALEC's State Chairman, has announced his retirement from the senate after a 27-year public-service career, which focused on technology and transportation issues. He will become a senior fellow at *Digital Government Technology* magazine. Sen. May is a member of ALEC's Telecom and IT Task Force and a former National Board member.



Colorado State Senator Ron May



### Rep. Carl Bearden named Missouri Director of Americans for Prosperity

Former Missouri Speaker Pro Tem Carl Bearden has been named Missouri Director of Americans for Prosperity, a national nonprofit organization committed to educating citizens about economic policy. Rep. Bearden recently served a seven-year career in the Missouri House of Representatives where he was elected Speaker Pro Tem in 2005. A long time ALEC member, Bearden also served on the Executive Committee for ALEC's Tax and Fiscal Policy Task Force.

### Sen. Mike Chaney Elected Insurance Commissioner

State Sen. Mike Chaney was elected Insurance Commissioner for the state of Mississippi. While in the state senate he served as Chairman of the Senate Education Committee, and was a key member of the Senate Insurance Committee as well as a member of the Agriculture, Environmental Protection, Insurance, Congressional Redistricting, Legislative Reapportionment, Ports and Marine Resources and Universities and Colleges committees.

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